

Panaji, 12th November, 1992 (Kartika 21, 1914)

SERIES II No. 33

OFFICIAL GAZETTE

GOVERNMENT OF GOA

NOTE:- There is one Extraordinary issue to the Official Gazette, Series II No. 32 dated 5-11-92, with the same date, from pgs. 649 to 650 regarding Notification from Home (General) Department.

GOVERNMENT OF GOA

Department of Personnel

Order

No. 6/3/81-PER (Vol. VD)

The Government is pleased to transfer with immediate effect Shri D. C. Sahoo, Managing Director, Backward Classes Corporation and post him as Joint Secretary (Budget), Secretariat, Panaji on deputation.

Shri Sahoo shall continue to hold the charge of the post of Managing Director, Backward Classes Corporation in addition to his own duties until further orders.

The deployment of Shri D. C. Sahoo will be on deputation for a period of one year in the first instance which will be governed by the standard terms of deputation as contained in this Department's O. M. No. 13/4/74-PER dated 10-10-90.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Personnel).

Panaji, 3rd October, 1991.

Order

No. 3/40/88-PER

Government is pleased to order with immediate effect transfers and postings of the following IAS Officers as indicated below:

Sr. No.	Name of the Officer and present posting	Posted on transfer
1	2	3
1.	Shri Felix Sequeira, IAS., Secretary (Revenue)	Director of Municipal Administration, Panaji.
2.	Smt. Savitry Kashyap, IAS., Director of Industries & Mines	Secretary (Revenue) vice Shri Sequeira transferred.

2. Dr. M. Modassir, Joint Managing Director, Economic Development Corporation shall also hold the additional charge of the post of Director of Industries & Mines until further orders vice Smt. Kashyap transferred.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Personnel).

Panaji, 26th October, 1992.

Order

No. 24/8/80-PER

Read: Government Order No. 24/8/80-PER dt. 26-9-1991.

Sanction of the Government is hereby accorded for continuance of ad hoc appointment of Shri A. K. Singh, Grade I Officer of Goa Police Service as Superintendent of Police (H. Q.), Panaji for a further period of six months or till a post is filled on regular basis whichever is earlier with effect from 26th September, 1992.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Personnel).

Panaji, 28th October, 1992.

Order

No. 6/9/91-PER

1. Shri G. Madan Mohan, Director of (Employment), Panaji is transferred with immediate effect and posted as Managing Director, Sanjivani Sahakari Sakhar Karkhana on deputation, which will be governed by the standard terms of deputation as contained in this Department's O. M. No. 13/4/74-PER dated 10-10-1990.

2. Shri D. A. Hawaldar, Director of Panchayat shall hold the charge of the post of Director of Employment in addition to his own duties until further orders.

3. Shri A. Sardessai, Municipal Engineer, Mapusa Municipal Council shall look after the work of the Chief Officer, Mapusa Municipal Council in addition to his own duties until further orders thereby relieving Shri G. Madan Mohan of the additional charge.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Personnel).

Panaji, 31st October, 1991.

Order

No. 5/17/80-PER

Read: Government Order No. 6/66/88-PER (III) dated 13-6-90.

The term of deputation of Shri A. P. Panvelkar, Grade I (Now Senior Grade) Officer of Goa Civil Service presently functioning as General Manager, Goa Handicrafts, Rural & Small Scale Industries Development Corporation Ltd., is extended for a further period of one year from 25-6-1991 to 24-6-1992.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Personnel).

Panaji, 4th October, 1991.

Home (General) Department

Order

No. 15-10/90-HD (G)

On recommendation of the Goa Public Service Commission vide their letter No. COM/I/5/42(1)/91 dated 4-6-91, Lt. Col Sylvester Manuel D'Souza (Retd.) is hereby appointed to the post of Secretary, Rajya Sainik Board, Goa Panaji (Group 'A' Gazetted) under the Home Department in the pay scale of Rs. 2200-2800-EB-100-4000 on regular basis w.e.f. 3-10-91 under the terms and conditions contained in the Memorandum No. 15-10-90-HD (G) dated 25-6-91 and posted in the Rajya Sainik Board, Panaji C/o Collectorate Building, Panaji-Goa.

His pay fixation order will be issued separately.

By order and in the name of the Governor of Goa.

G. P. Chimulkar, Under Secretary (Home).

Panaji, 1st October, 1991.

Corrigendum

No. 15-1/87-HD (G)

Read: Order No. 15/1/87/Hd (G), dated 8-10-1991 regarding the Managing Committee of the Special Fund for Reconstruction and Rehabilitation of ex-servicemen in Goa.

The following words "Welfare Officer Provedoria" appearing below the name of Dr. (Smt.) Asha Vishwanath Sawardekar at serial No. 3 in the above referred Government order may be read as:

"Assistant Project Officer, Rural Development Agency Goa".

By order and in the name of the Governor of Goa.

G. P. Chimulkar, Under Secretary (Home).

Panaji, 13th November, 1991.

Addendum

No. 11/463/90-HD (G)

Read: 1. Order No. 11/463/90-HD (G) dated 16-4-91 regarding reconstitution of Committee for Rehabilitation of Freedom Fighters.

2. Addendum No. 11/463/90-HD (G) dated 14-5-91.

Government of Goa is pleased to nominate following freedom fighter as member on the Committee for Rehabilitation of Freedom Fighters reconstituted vide Order referred above:—

1. Shri Pandurang Kunkolienkar, Ponda, Goa.

By order and in the name of the Governor of Goa.

G. P. Chimulkar, Under Secretary (Home).

Panaji, 7th November, 1991.

Planning Department

Order

No. 4-6-83/PLG (Part III)

Read: Government Order No. 4-6-83/PLG (Part III) dated 1-4-1992.

In continuation to Government's Order referred to above sanction of the Government is hereby conveyed to continue

the ad-hoc appointment of Shri Ricardo J. X. Afonso, Director of Computer Centre, Panaji, for a further period upto 31-12-1992 or till the post is filled on regular basis whichever is earlier.

By order and in the name of the Governor of Goa.

E. Silveira, Under Secretary to the Government of Goa (Planning Department).

Panaji, 15th September, 1992.

Agriculture Department

Order

No. 2/9/79-AGR (Part)

Read: Government Order No. 2/9/79/AGR/Part dated 22-5-1992.

The transfer of Shri K. Purshottaman, Subject Matter Specialist (Agronomy) and Shri K. G. Nair, Principal Extension Training Centre, Ela, Old Goa and their subsequent posting at Principal, Extension Training Centre, Ela, Old Goa and Subject Matter Specialist (Agronomy) Head Quarter made vide above order is hereby cancelled with immediate effect.

By order and in the name of the Governor of Goa.

A. T. Fernandes, Under Secretary (Agriculture).

Panaji, 14th September, 1992.

Department of Animal Husbandry and Veterinary Services

Order

No. 2/2/79-AH (Part)

Read: Order No. 2/2/79-AH (Part) dated 2-6-1992.

Government Order of even number dated 2-6-1992 referred to above is hereby cancelled with immediate effect.

By order and in the name of the Governor of Goa.

A. T. Fernandes, Under Secretary (A.H.)

Panaji, 20th August, 1992.

Order

No. 2-5-92-AH

On the recommendation of the Departmental Promotion Committee as conveyed by the Goa Public Service Commission vide their letter No. COM/II/11/3(1)/92 dated 1-10-1992, the Government is pleased to promote Shri Dileep S. Manerikar, Farm Manager, to the post of Fodder Development Officer in the Directorate of Animal Husbandry and Veterinary Services, Panaji group 'B' Gazetted in the pay scale of Rs. 2000-3500 on regular basis with immediate effect.

Shri Dileep S. Manerikar will be on probation for a period of two years.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Under Secretary (Animal Husb.).

Panaji, 29th October, 1992.

Forest Department

Corrigendum

No. 4-1(1)84/FOR

Read:- Government order No. 4-1(1)84/FOR dated 8-11-1991.

Sr. No. 2 of the Government Order referred to above may be substituted to read as follows:—

Sr. No.	Name and Designation of the Officer and present posting	Posting on Promotion on regular basis
2.	Shri S. V. Naik, Deputy Conservator of Forests, Social Forestry, Ponda (on ad-hoc basis).	Social Forestry Ponda.

By order and in the name of the Governor of Goa.

Maria A. Rodrigues, Under Secretary to the Govt. of Goa (Forests).

Panaji, 19th November, 1991.

Department of Community Development and Panchayats

Order

No. 1/15(23)/84-F&A/Part-I

The Government is pleased to constitute a Committee under the Chairmanship of Secretary (Panch.) to look into the grievances of the Panchayat employees appointed by the various panchayats prior to 9-4-1985 and make suitable recommendation to the Government.

1. Secretary (Panch.), Secretariat, Panaji-Goa. — Chairman.
2. Joint Secretary (Finance) Secretariat, Panaji-Goa. — Member.
3. Collector (North), North Goa Dist., Collectorate, Panaji. — Member.
4. Collector (South), South Goa Dist., Collectorate, Margao-Goa. — Member.
5. Labour Commissioner, Panaji-Goa. — Member.
6. Dy. Collector (Dev), North Goa District, Collectorate, Panaji. — Member.
7. Shri Christopher Fonseca, President (GT & CWU), Panaji. — Member.
8. Shri Nanda Vagurmekar of Village Panchayats Benaulim, Salcete-Goa. — Member.
9. Shri Joao Pires of Village Panchayat Navelim, Salcete-Goa. — Member.
10. Shri Devidas Bhomkar, Village Panchayat, Carambolim, Ilhas-Goa. — Member.
11. Director of Panchayats, Panaji-Goa. — Member Secretary.

Terms of the above Committee are as under:—

1. To determine wage structure of the Panchayat employees.
2. Social security measures for Panchayat employees.
3. Service condition of the Panchayat employees.
4. Any other item which the President of GT & CWU and other may raise.

The above Committee shall submit a report to the Minister for Panchayats within a period of 2 months with effect from the date of constitution of the Committee.

A. T. Fernandes, Under Secretary (Panch).

Panaji, 18th November, 1991.

Department of Cooperation

Order

No. 10-1(1)/92-Coop (Part-II)

Consequent upon his repatriation from deputation as Principal, Dayanand Bandodkar Coop. Training Centre, Panaji Shri M. J. Khorate is posted as Asstt. Registrar Coop. Societies (Marketing), Panaji and in place of Shri Elias Fernandes, Asstt. Registrar, Coop. Societies who is posted as Asstt. Registrar (Audit) in the Office of the Registrar of Coop. Societies with effect from the date Shri Khorate takes charge of the respective post.

S. S. Keshkamat, Under Secretary (Cooperation).

Panaji, 22nd October, 1992.

Public Works Department

Order

No. 7/14-5/86-PW&UD

Government is pleased to promote Shri Uttam P. Parsekar, T. A. (Civil) to the post of Assistant Engineer (Civil) in the scale of Rs. 2000-3500 with immediate effect and post him in Sub-Division III, W.D.I (Bldg.) P.W.D., Panaji vice Shri K. G. Idoorkar transferred. The appointment is purely on ad hoc basis and will not bestow any claim for regular appointment and service rendered on ad hoc basis in the grade will not count for the purpose of seniority in the grade and for eligibility for promotion to the next higher grade.

The appointment will be initially for a period of one year and subject to the final outcome of the Writ Petition No. 338/1991 filed in the High Court of Judicature of Bombay at Panaji.

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary to the Government of Goa (P. W. D.).

Panaji, 17th June, 1992.

Addendum

No. 7/14-5/86-PW&UD

Read: Government Order of even number dated 17-6-1992.

The following para shall be inserted in between para 1 and 2 of the Government Order read in preamble.

"The promotion of Shri Uttam P. Parsekar, Technical Assistant (Civil) to the post of Assistant Engineer (Civil) has been made against the vacancy reserved for Scheduled Caste".

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary to the Government of Goa (P. W. D.).

Panaji, 30th June, 1992.

Department of Urban Development

Order

No. 3/39/73-LSG (Gen)

Read: Government Order No. 3/39/73-LSG (Gen) dated 6-9-1991.

Shri S. Suryanarayana, Chief Officer of Margao Municipal Council is hereby appointed as Administrator of the said Council in addition to his own duties, during the leave period of Shri S. P. Dixit, Additional Collector, South Goa.

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary to the Govt. of Goa (UD).

Panaji, 15th October, 1991.

Department of Power

Order

No. 2/77/80-Power-Vol. II

On the recommendations of the Goa Public Service Commission vide their letter No. Com/II/11/16(3)/90 dated 23-1-1991 Government is pleased to promote following Jr. Engineers (Civil), on regular basis to the posts of Asstt. Engineer (Civil) in the Electricity Department, Panaji in the pay scale of Rs. 2000-60-2300-EB-75-3200-100-3500 with immediate effect. Their posting order will be issued separately:—

1. Shri U. L. Salunke.
2. Shri B. M. Dessai.

They will be on probation for a period of two years.

Shri S. D. Kulkarni who was promoted on ad-hoc basis as Asstt. Engineer (Civil) vide order No. 2/72/80-ILD dated 27-11-1982 shall stand reverted to his original post of Jr. Engineer (Civil) with immediate effect.

By order and in the name of the Governor of Goa.

V. G. Manerkar, Under Secretary (Power).

Panaji, 9th July, 1992.

Order

No. 2/13/83-Power

S/Shri S. T. Bhangui and K. P. Pothan, Assistant Engineers (Elect.) are hereby promoted to the post of Executive Engineers (Elect.) in the pay scale of Rs. 3000-100-3500-125-4500/- on ad-hoc basis with immediate effect for a period of six months or till the post is filled on regular basis whichever is earlier.

S/Shri Bhangui and Pothan on promotion are posted in Div. VII, Curchorem (caused due to promotion of Shri T. Nagarajan) and Kadamba Div. XIII, Corlim (newly created post) respectively.

The above promotion will not bestow a claim for regular appointment and the service rendered on ad-hoc basis in the grade shall not count for the purpose of seniority, in that grade.

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Joint Secretary (Power).

Panaji, 14th November, 1991.

Department of Science, Technology and Environment

Notification

No. 5/2/87-STE

Read: 1) Notification No. 5-2-87-STE dated 29-4-1991.
2) Notification No. 5-2-87-STE dated 5-8-91.

Government is pleased to nominate Shri Harish N. P. Zantye, Member of Parliament as Member of the Goa Environmental Protection Council constituted vide Government Notification referred to at Sr. No. 1 above.

By order and in the name of the Governor of Goa.

Maria A. Rodrigues, Under Secretary to the Govt. of Goa (S.T.E.).

Panaji, 12th November, 1991.

Revenue Department

Notification

No. 22/198/92-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose, viz. for construction of Siolim Branch Canal from Ch. 1.660 km. to 5.455 km. of L. B. M. C. of T. I. P. of Siolim village Bardez.

And whereas in the opinion of the Government the provisions of sub-section (1) of section 17 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act"), are applicable.

Now, therefore, the Government hereby notifies under sub-section (1) of section 4 of the said Act that the said land is likely to be needed for the purpose specified above.

The Government further directs under sub-section (4) of section 17 of the said Act that the provisions of section 5A of the said Act shall not apply in respect of the said land.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector, appointed under paragraph 4 below, after the date of the publication of this notification, will, under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under clause (c) of section 3 of the said Act, Special Land Acquisition Officer (North), I. D., Morod, Mapusa to perform the functions of a Collector, North Goa District, Panaji under the said Act in respect of the said land.

5. The Government also authorises, under sub-section (2) of section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector, North Goa District, Panaji.
2. The Special Land Acquisition Officer (North), I. D., Morod, Mapusa.
3. The Executive Engineer, Anjunem Irrigation Canal Division, Works Div. VI, I. D., Bicholim.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Special Land Acquisition Officer (North), I. D. Morod, Mapusa for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Taluka: Bardez		Village: Siolim	
Survey No./ Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.	
1	2	3	
244/19 part	Siquera.	775	
"/18 "	Padmanath Atmaram Nagvekar.	800	
"/17 "	1. Padmanath Atmaram Nagvekar. 2. Justino Fernandes.	225	

1	2	3	1	2	3
244/16 part	1. Tereza Sa Raimundo. 2. Atmaram P. Nagvekar.	225		7. Gaspar Maderas. 8. Piedad Maderas. 9. Concessao Maderas.	
"/15 "	A. Delgado.	525		10. Subrai Raulu Goltekar.	
"/14 "	Justino Fernandes.	400		11. Sabastio Fernandes.	
"/13 "	1. Tereza Sa Raimundo. 2. Atmaram P. Nagvekar.	325	203/3 "	1. Gracias Fernandes.	1750
"/12 "	1. Padmanath Atmaram Nagvekar. 2. Bodu Pakku Chodenkar.	825	203/2 "	2. Maria Francis Pereira.	
"/11 "	Pundalic Caodenkar.	335	201/47 "	Viterin Fernandes Pereira.	4800
"/10 "	Padmanath A. Nagvekar.	325	"/36 "	Anthony Fernandes.	1150
"/9 "	1. Tereza Sa Raimundo. 2. Atmaram P. Nagvekar.	1650	"/35 "	Felicia Carvelho.	700
"/8 "	Padmanath A. Nagvekar.	2600	"/34 "	Emelia Fernandes.	850
"/7 "	Jose.	300	"/33 "	Tillea Terreira.	775
"/6 "	Veterin.	250	"/10 "	1. Anthony Pereira.	1250
"/5 "	Padmanath Atmaram Nagvekar.	1475	"/9 "	2. Luis Tereira.	
"/4 "	1. Tereza Sa Raimundo. 2. Atmaram P. Nagvekar.	675	"/19 "	Tillia Tereira.	750
"/3 "	Padmanath A. Nagvekar.	550	"/18 "	1. Anthony Pereira.	125
"/2 "	Tereza Sa Raimundo.	350	"/16 "	2. Luis Tereira.	
"/1 "	Prabhakar Gopal Nagvekar.	900	"/13 "	Felicia Carvalho.	50
243/13 "	Francis Xavier D'Souza.	325	"/12 "	1. Anthony Pereira.	250
"/12 "	1. Moreswhas Hari Mahatme. 2. Vaman Dattaram Mahatme. 3. Vishwas Bairao Mahatme. 4. Dilip Bairao Mahatme.	1925	"/8 "	2. Luis Tereira.	
"/11 "	Francis Xavier D'Souza.	800	"/7 "	Tillia Pereira.	150
"/10 "	— do —	150	"/6 "	Anthony Cosma Perreira.	150
"/5 "	1. Francis Xavier Britto. 2. Alex Raimunde Britto. 3. Lily Marques. 4. Kitty Marques. 5. Alexendrina Fernandes.	1500	"/5 "	Tillia Terreira.	150
232/14 "	Shabi Atma Goltekar.	375	"/4 "	1. Felicia Carvalho.	600
"/13 "	Eusubai Costa.	250	"/3 "	2. Tillia Terreira.	3800
"/12 "	Ravlu Nagu Goltekar.	275	"/2 "	Pascal D'Souza.	1450
"/11 "	Eusubai Costa.	275	"/1 "	1. John Gonsalves.	525
"/10 "	Pascoal Carvalho.	350	"/14 "	2. Monika Santan Fernandes.	
"/9 "	Pundalik Matru Naik.	950	"/15 "	3. Viterin F. Terreira.	
"/8 "	1. Albert Fernandes. 2. Jeao Baotish Fernandes.	450	"/20 "	Padmanath Atmaram Nagvekar.	825
"/7 "	Pundalik Matru Naik.	400	"/22 "	Viterin F. Terreira.	850
"/6 "	Pascol Carvalho.	150	"/37 "	Charles Emilia.	2400
"/19 "	Pasecal Carvalho.	300	"/40 "	Tendolin D'Souza Rodrigues.	125
"/5 "	Pundalik Matru Naik.	250	"/41 "	Pascal D'Souza.	325
"/20 "	Pundalik Matru Naik.	800		Anthony D'Souza.	175
"/4 "	Arjun Rayu Dabolkar.	100		Monica Fernandes.	300
"/3 "	1. Tony Fonseca. 2. John Fonseca.	350		Pasecal D'Souza.	900
"/2 "	1. Soiru Narayan Naik. 2. Kamalabai N. Naik. 3. Bhagwant N. Naik. 4. Sitakant N. Naik. 5. Manisha N. Naik.	3650		Padmanath Shet Naik.	475
"/21 "	1. Venkatesh Dewarshi Naik. 2. Vithal Dewarshi Naik.	600		Diago Manual Terreira.	725
"/1 "	1. Vithal Dewarshi Naik Banaulikar. 2. Venkatesh Dewarshi Naik Benaulikar.	1350		1. Carmelin Monteiro.	1100
231/3 "	1. Lawrence Fernandes. 2. Leonardo Fernandes.	2800		2. Viterin F. Terreira.	
"/2 "	Andrew Paol Fernandes.	1900		3. Anthony Cosme Perreira.	
"/1 "	Tiafular Fernandes.	1550	198/1 "	Comunidade.	22250
224/0 "	Francisco Pinto De Menezes.	6650	200/1 "	Comunidade.	350
223/0 "	— do —	5400	192/1 "	Comunidade.	9250
222/0 "	— do —	7600	193/1 "	Abel Souza Evelartis	750
210/1 "	1. Comunidade. 2. Directorate of Education. Cricensio D'Souza.	7250	"/2 "	1. Dherotia Pereira.	1350
210/2 "	Comunidade.	3425	"/3 "	T. Pandurang Pandhari Nagvekar.	
207/0 "	Comunidade.	4250	192/1 "	Comunidade.	1050
205/1 "	Comunidade.	5700		1. Milena Raimundo.	7125
205/2 "	Victor Santan Fernandes.	425		2. Lordes Raimunde.	
203/4 "	1. Luiza Maertino Madera. 2. Diago Madera. 3. Estuvas Madera. 4. Avelino Madera. 5. Dwanita Madera. 6. Pasecal Madera.	675		3. Guneme Concessao Fernandes.	
				4. Maria Romaldina D'Souza.	
				5. Esebela D'Souza.	
				6. Mrs. Merlyn Mascarenhas.	
				7. Miss. Josephin Victoria Fernandes.	
				8. Ajit Kelkar.	
				9. Amita Ajit Kelkar.	
			190/0 (part)	Comunidade.	8300
			189/6 "	Anton Fernandes.	8000
			"/5 "	Maria Florinda Fernandes.	925
			"/4 "	Anton Dias.	2550
			"/1 "	Antonio Perreira.	350
			186/12 "	1. Alex Caitan Fernandes.	2800
				2. Grogari Fernandes.	
				3. Matias Fernandes.	
				4. Maria F. Fernandes.	
				5. Maria Etoria Fernandes.	
				Clero Corea.	775
				Boundaries:	
				North: 244/19, 18, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 2 & 1, Sy. No. 243/10, 11, 5, Sy. No. 232/14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2 & 1, Sy. No. 200, 198, 192, 190, 189/6, 4, Sy. No. 224, 223, 231/1, 2, 3, 222, 210/1 & 2, 207, 205/1, 2, 203/2, 3, 201/47, 36, 35, 34, 33, 10, 9, 7, 8, 6, 5, 4, 3, 2 & 1.	
				South: Sy. No. 244/19, 18, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2 & 1, 243/12, 11, 5,	

1	2	3
	232/14, 13, 12, 11, 10, 9, 8, 7, 19, 20, 21, 2 & 1, 231/3, 2, 1, Sy. No. 224, 223, 222, 210/1 & 2, Sy. 207, 205/1, 2, 203/4, 3, 2, 201/47, 36, 35, 34, 33, 19, 18, 12, 11, 7, 6, 5, 4, 3, 2, 20, 22, 37, 40 & 41, Sy. No. 198, 192, 193/3, 2, 1, 191/1, Sy. No. 190, 189/6, 5, 4, 3, 2 & 1, 186/12, 15.	
	East: Sy. No. 245/1, Sy. No. 201, 198.	
	West: Sy. No. 198, 186/15.	
	Total	1,70,100

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Revenue).

Panaji, 13th October, 1992.

Notification

No. 22/192/92-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. construction of an extension of school building at Kiranpani Pallem, Pernem.

And whereas in the opinion of the Government the provisions of sub-section (1) of section 17 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") are applicable.

Now, therefore, the Government hereby notifies under sub-section (1) of section 4 of the said Act that the said land is likely to be needed for the purpose specified above.

The Government further directs under sub-section (4) of section 17 of the said Act that the provisions of section 5A of the said Act shall not apply in respect of the said land.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this Notification, will, under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under clause (c) of section 3 of the said Act Deputy Collector/S. D. O. Mapusa, to perform the functions of a Collector, North Goa District, Panaji under the said Act in respect of the said land.

5. The Government also authorises, under sub-section (2) of section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector, North Goa District, Panaji.
2. The Deputy Collector/S. D. O., Mapusa.
3. The Director of Education, Panaji.
4. The Director of Land Survey, Panaji-Goa.

6. A rough plan of the said land is available for inspection in the office of the Deputy Collector/S. D. O., Mapusa for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Taluka: Pernem Village: Pallem

Survey No./ Sub-Div. No.	Name of the person believed believed to be interested	Approximate area in sq. mts.
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1	2	3
211/2 part	Vithal G. Deshpabhu.	105

Boundaries:

North: S. No. 211/2.

South: S. No. 215.

East: S. No. 211/2.

West: Existing Primary School.

Total 105

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Revenue).

Panaji, 13th October, 1992.

Notification

No. 22/175/91-RD

Whereas by Government Notification No. 22/175/91-RD dated 26-9-91 published on pages 652-653 of Series II, No. 36 of the Official Gazette, dated 5-12-91 and in two newspapers (1) Sunaprant dated 6-10-91 (2) Navhind Times dated 5-10-91 it was notified under section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that the land, specified in the Schedule appended to the said Notification was likely to be needed for the public purpose viz. construction of road from Fatorpa to Cuncolim (Palki road), Phase I (addl. area).

And Whereas, the Government of Goa (hereinafter referred to as "the Government") after considering the report made under sub-section (2) of section 5A of the said Act is satisfied that the land specified in the Schedule hereto is needed for the public purpose specified above (hereinafter referred to as "the said land").

Now, Therefore, the Government hereby declares, under the provisions of section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government also hereby appoints, under clause (c) of section 3 of the said Act, the Dy. Collector (LA), Collectorate of South Goa, Margao to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and directs him under section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the Office of the said Dy. Collector (LA), Collectorate of South Goa, Margao till the award is made under section 11.

SCHEDULE

(Description of the said land)

Taluka: Salcete Village: Cuncolim

Survey No./ Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
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1	2	3
489/6 part	Vishnu Kakode.	20
"/7 part	Provisionary Government.	40

Boundaries:

North: S. No. 489/1.

South: Road.

East: Road.

West: S. No. 489/6, 7.

1	2	3
Taluka: Quepem	Village: Tiloi	
4/part	Kashinath Krishna Poi Kakode.	260
Boundaries:		
North: S. No. 5/2.		
South: S. No. 4.		
East: Road.		
West: Village Fatorpa.		
Total		320

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Revenue).

Panaji, 3rd August, 1992.

Notification

No. 22/199/92-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose, viz. Construction of Telephone Exchange Building and Staff Quarters at Pernem.

And whereas in the opinion of the Government the provisions of sub-section (1) of section 17 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") are applicable.

Now, therefore, the Government hereby notifies under sub-section (1) of section 4 of the said Act that the said land is likely to be needed for the purpose specified above.

The Government further directs under sub-section (4) of section 17 of the said Act that the provisions of section 5A of the said Act shall not apply in respect of the said land.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the land acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this Notification, will, under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints under clause (c) of section 3 of the said Act Dy. Collector/S.D.O., Mapusa to perform the functions of a Collector, North Goa District, Panaji under the said Act in respect of the said land.

5. The Government also authorises, under sub-section (2) of section 4 of the said Act, the following officers to do the acts specified therein in respect of the said land.

1. The Collector, North Goa District, Panaji.
2. The Dy. Collector/S.D.O., Mapusa.
3. The Asstt. Engineer (MIS) O/O, TDM, Panaji.
4. The Director of Land Survey, Panaji-Goa.

6. A rough plan of the said land is available for inspection in the office of the Dy. Collector/S.D.O., Mapusa for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Taluka: Pernem	Village: Pernem	
Survey No./ Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3
415/4 part	Raghunath Narayan Deshpabhu. Rajaram Shriram Deshpabhu. Amruthrao Nagesh Deshpabhu. Krishnaji Parsram Deshpabhu. Ranaji Balkrishna Deshpabhu. Ghansham Parsram Deshpabhu. Keshav Narayan Deshpabhu. Govind Narayan Deshpabhu.	3020
Boundaries:		
North: S. No. 415/2, 415/3.		
South: S. No. 415/5 and road.		
East: S. No. 415/4.		
West: S. No. 416/2 & S. No. 413/3.		
Total		3020

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Revenue).

Panaji, 16th October, 1992.

Notification

No. 22/215/92-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose, viz. construction of site office to Siolim Chopdem bridge at Siolim village of Bardez Taluka.

And whereas in the opinion of the Government the provisions of sub-section (1) of section 17 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") are applicable.

Now, therefore, the Government hereby notifies under sub-section (1) of section 4 of the said Act that the said land is likely to be needed for the purpose specified above.

The Government further directs under sub-section (4) of section 17 of the said Act that the provisions of section 5A of the said Act shall not apply in respect of the said land.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this Notification, will, under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints under clause (c) of section 3 of the said Act Dy. Collector (LA), Collectorate of North, Panaji to perform the functions of a Collector, North Goa District, Panaji under the said Act in respect of the said land.

5. The Government also authorises, under sub-section (2) of section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector, North Goa District, Panaji.

2. The Dy. Collector (LA), Collectorate of North, Panaji.

3. The Executive Engineer, Works Div. XXIII, P.W.D., Panaji.

4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Dy. Collector (LA), Collectorate of North Goa, Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Taluka: Bardez		Village: Siolim
Survey No./ Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3
168/1 part	O: Maria Degras Souza Monteiro.	775
168/4 part	O: — do — O. R: House owned by Raghunath Mahadev Govekar.	50
168/25 part	—	75
Boundaries:		
North: S. No. 168/1.		
South: S. No. 168/1.		
East: Road.		
West: S. No 168/1.		
Total		900

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Revenue).

Panaji, 3rd November, 1992.

Corrigendum

No. 22/228/91-RD

Sub: L. A. for construction of D2 distributory of S.I.P. Main Canal in Margao City (addl. area).

Read: Notification No. 22/228/91-RD dated 23-10-1991 published in the Official Gazette Series II, No. 15 dated 13-7-1992 and in two newspapers (1) Herald dated 1-11-1991 and (2) Sunaparant dated 1-11-1991.

The P. T. Sheet No. 199 appearing in the above notification against the area 550 sq. mts. may be read as P. T. Sheet No. 198.

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Revenue).

Panaji, 20th October, 1992.

Corrigendum

No. 22/196/91-RD

Read: Notification No. 22/196/91-RD dated 5-3-1992 published in the newspapers (1) Herald dated 16-3-92 (2) Gomantak dated 19-3-92 and Official Gazette, Series II, No. 17, pages 366 to 368 of 27-7-92, regarding construction of B/2 distributory from Ch. 0.00 to 1.500 kms. of R.B.M.C. of T.I.P. Alorna village in Pernem Taluka.

In the schedule appended to the Notification No. 22/196/91-RD dated 5-3-1992, the Survey No./Sub. Div. No. 144/9 part, 144/10 part, 144/11 part, 144/12 part, 144/13 part and 144/14 part shall be read as 114/9 part, 114/10 part, 114/11 part, 114/12 part, 114/13 part and 114/14 part respectively.

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Revenue).

Panaji, 19th October, 1992.

Corrigendum

No. 36/6/90-RD-A

Read: Government Notification No. 36/6/90-RD-A dated 28-8-1991, published in the Extraordinary issue of the Official Gazette dated 30-8-1991, regarding constitution of a monitoring committee to review the progress in implementing the Agricultural Tenancy Act.

The words "Dy. Collector (Dev)" appearing against serial No. 8 in para 1 of the notification cited above, shall be read as "Dy. Collector (Revenue)".

By order and in the name of the Governor of Goa.

K. M. Nambiar, Under Secretary (Revenue).

Panaji, 27th September, 1991.

Department of Mines

Notification

No. 5/23/90-MINES

Whereas vide Government Notification No. 5/14/87-ILD dated 7-8-1987, the mining lease for iron ore bearing No. 6/Fe/69 dated 23-6-1969 covering an area of 100.00 Ha. situated at Colomba of Sanguem Taluka, Goa District (hereinafter called the 'said mining lease'), and standing in the name of Shri Chandrakant Fondu Naik, was transferred in favour of M/s. Vagha Minerals Private Ltd., a company incorporated under the Companies Act, 1956 (Central Act 1 of 1956), and having its registered office at Vasco da Gama (hereinafter called the 'lessee'), in terms of rule 37 of the Mineral Concession Rules, 1960;

And Whereas the lessee has reported to the Government the discovery of manganese ore in the said mining lease and has requested for its inclusion therein as manganese ore has not been included in the said mining lease;

And Whereas vide letter No. 5(58)/90-Mines-5 dated 19-6-1992, the Central Government has conveyed its approval for the inclusion of manganese ore in the said mining lease.

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 10 of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957), the Government of Goa hereby approves inclusion of manganese ore in the said mining lease for the unexpired period thereof i. e. upto 22-6-1999.

By order and in the name of the Governor of Goa.

V. G. Manerkar, Under Secretary (Mines).

Panaji, 27th July, 1992.

Notification

No. 5/8/92-MINES

Whereas vide application dated 11-3-1991, Shri Vivian Coutinho, resident of Fatorda, Margao-Goa, had applied for transfer of his deemed mining lease No. 19 of 16-6-1958, covering an area of 66.7630 Ha., situated at Sonus Vonvoilem of Satari Taluka, North Goa (hereinafter called the "said mining

lease"), in favour of M/s. V. M. Salgaocar & Bro. Ltd., a Company incorporated under the Companies Act, 1956 (Central Act 1 of 1956) and having its registered office at Vasco-da-Gama, Goa (hereinafter called as the "said Company");

And whereas vide letter No. 5/26/92-M. V. dated 23-6-1992, the Central Government has conveyed its approval for the transfer of the said mining lease in favour of the said Company.

Now, therefore, in exercise of the powers conferred by rule 37 of the Mineral Concession Rules, 1960 and all other powers enabling it in that behalf, the Government of Goa hereby consents to the transfer of the said mining lease by said Shri Vivian Coutinho in favour of the said Company for the unexpired period of the said mining lease i. e. upto 21-11-1997, subject to the same terms and conditions governing the said mining lease and also stipulated in the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957) and the Rules framed thereunder.

By order and in the name of the Governor of Goa.

V. G. Manerkar, Under Secretary (Mines).

Panaji, 20th July, 1992.

Department of Labour

Order

No. 26/3/79-LAB

Read: 1) Govt. order No. 2/46/73-LAB dated 2-2-74.

2) Govt. order No. 22/2/83/ILD dated 26-3-84.

The pay scale of Rs. 2000-60-2300-EB-75-3200-100-3500 attached to the post of Chief Inspector of Factories and Boilers is hereby upgraded to Rs. 3000-100-3500-125-4500 with immediate effect by the Government.

This issues with the concurrence of the Finance Department vide their U. O. No. FS/1871/F dated 11-6-91.

By order and in the name of the Governor of Goa.

S. S. Keshkammat, Under Secretary (Ind. & Labour).

Panaji, 18th November, 1991.

Order

No. 28/16/91-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the Chief Electrical Engineer, Electricity Department, Government of Goa, Panaji and Shri S. V. Lele, Ex. Jr. Engineer, Electricity Department, Government of Goa, Panaji, in respect of the matter specified in the Scheduled annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act'), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu at Panaji - Goa, constituted under section 7-A of the said Act.

SCHEDULE

- (1) Whether Shri S. V. Lele, Ex-Jr. Engineer, Electricity Department, Government of Goa, is a workman as per section 2(s) of the Industrial Disputes Act, 1947?
- (2) If so, whether the action of the Chief Electrical Engineer, Electricity Department, Government of Goa, Panaji in terminating the services of Shri Lele with effect from 31-7-1990, is legal and justified?

- (3) If the answer to (2) above is negative, to what relief Shri Lele is entitled?

By order and in the name of the Governor of Goa.

V. G. Manerkar, Under Secretary (Ind & Labour).

Panaji, 30th October, 1991.

Order

No. 28/41/91-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Tirumalesh Handling Service, Ponda and their 63 workmen represented by the Goa Trade and Commercial Workers' Union in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act'), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu at Panaji - Goa, constituted under section 7-A of the said Act.

SCHEDULE

"Whether the demand made on the management of M/s. Tirumalesh Handling Services, Ponda, by their 63 workmen for lay-off compensation at the rate of 100% of the wages for the period 30-5-1991 to 10-7-1991, is legal and justified?"

If not, to what relief the workmen are entitled?"

By order and in the name of the Governor of Goa.

V. G. Manerkar, Under Secretary (Ind. & Labour).

Panaji, 30th October, 1991.

Order

No. 22/40/91-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Ramnath D. Mauzo & Sons, Margao and their workman Shri Krishna Kamat Yelekar in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act'), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu at Panaji - Goa, constituted under section 7-A of the said Act.

SCHEDULE

"Whether the action of the management of M/s. Ramnath D. Mauzo & Sons, Margao, in superannuating Shri Krishna Kamat Yelekar, Clerk with effect from 31-3-90, is legal and justified?"

If not, to what relief the workman is entitled?"

By order and in the name of the Governor of Goa.

V. G. Manerkar, Under Secretary (Ind. & Labour).

Panaji, 30th October, 1991.

Order

No. 28/38/91-LAB

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Governor of Goa.

V. G. Manerikar, Under Secretary (Labour).

Panaji, 21st September, 1992.

**IN THE INDUSTRIAL TRIBUNAL
GOVERNMENT OF GOA
AT PANAJI**

(Before Shri M. A. Dhavale, Hon'ble Presiding Officer)

Ref. No. IT/7/92

Shri Albert Rodrigues — Workman-Party I
V/s
The Central Planning & — Employer-Party II
Development Authority

Workman represented by Adv. M. A. Fernandes.

Panaji, Dated: 27-7-1992.

AWARD

In exercise of the powers conferred by clause (d) of Sub-Section (1) of Section 10 of the Industrial Disputes Act, 1947, the Government of Goa, by its order No. 28/38/91-LAB dated 20-12-1991 has referred the following issue for adjudication by this Tribunal:

"Whether the action of the Central Planning and Development Authority, Vasco, in terminating the services of Shri Albert Rodrigues, Private Secretary, with effect from 1-1-1991 is legal and justified?"

If not, to what relief the workman is entitled?"

2. On receipt of this reference, a case at No. IT/7/92 was registered and notices were served upon both the sides. In response to the show cause notice, Party I—Shri Albert Rodrigues (hereinafter called as the 'Workman'), appeared and submitted the statement of claim (Exb. 4) wherein he has averred thus:

Party I—Workman was appointed in the services of Party II—Central Planning and Development Authority, Vasco, Goa (hereinafter called as the 'Employer'), with effect from 11th September, 1989. Party II—Employer is styled as Mormugao Planning & Development Authority having its office at Vasco, Goa and was constituted in the year 1979. However, that name was changed and Party II is now styled as Central Planning and Development Authority w.e.f. March, 1991. However, there was no change in the administration as well as in its establishment. That name was again changed to Mormugao Planning & Development Authority sometime in Jan., 1992. However, the establishment and administration remained the same. Thus, Mormugao Planning & Development Authority and Central Planning & Development Authority are for all legal purposes one and the same establishment. The said authority is engaged in acquiring plans for construction as well as constructing flats, bungalows, etc., and to prepare schemes for development and to undertake implementation. For carrying out the above referred business, the employer has several officers i.e. Chairman, Member Secretary, Junior Town Planner, Assistant Engineer, Architect, Planning Assistant, Personal Secretary, Junior Engineers, Head-clerk, Steno, Cashier/UDC, Accountant etc. As stated above, Party I workman was appointed under an order No. MPDA/600/ADM/89-90/1748 dated 25-10-1989 which stated that the workman's services would be required upto 1st December, 1989. However, even after 1st of December, 1989, the workman's services were continued without there being any second order of appointment issued to him. During the tenure of his service, the workman rendered various types of service and complied with the orders issued by his superiors. He used to sign the muster roll along with

other regular employees. He was paid his salary in cash at the end of every month by a voucher. His wage was calculated at Rs. 32/- per day but was paid after the month was over. However, he was denied benefits of Bonus, leave encashment etc. However, his services were terminated w.e.f. 1-1-1991 after the office hours. The Employer did not comply with the rules and regulations of the Industrial Disputes Act, while the workman was retrenched. Infact, it is the say of the workman that he had rendered continuous and un-interrupted service for 15 months and 20 days. It is the say of the workman that the employer was very much happy with the performance of his duties which he had performed with diligence and responsibility. Accordingly he was also issued a certificate of satisfactory work by the employer. After he was terminated, the workman made a representation to the Chairman and Member Secretary and requested them to reinstate him. However, there was no response. Hence, the workman approached the Asst. Labour Commissioner, Vasco-da-Gama, Goa to redress his grievance. He challenged the order of termination on the ground that it was unjust and bad in law and besides it was discriminatory in nature, since two other workers were continued in service by the employer. During the conciliation proceedings various proposals were exchanged by the employer but the employer was adamant and hence a failure report was submitted in pursuance of which this reference has been made. The workman therefore prays that the order of termination be set aside and he should be reinstated with all other legal benefits.

3. A notice of this proceedings was duly served upon Party II—Employer vide postal A. D. receipt at Exb. 9. However, the employer did not appear although the matter was adjourned more than once and hence in view of the provisions contained in Rule 10(B) & 9 of the Rules framed under the Industrial Disputes Act, the only course than was open for me is to proceed ex-parte. Accordingly, the workman examined himself at Exb. 6 and he also produced the relevant documents to which a reference will have to be made in the next paragraph. On considering the said evidence, I now proceed to consider the issue referred to this Tribunal for adjudication.

4. The following facts imerge on reading the unchallenged testimony of the workman by name Albert Rodrigues. His evidence discloses that he joined service of Party II, from September 11, 1989. He has produced letter of appointment which is at Exb. 7. It clearly shows that he was appointed on temporary basis to the post of P. S. to the Chairman on daily wages for a period from 11th Sept. '89 to 1st December, 1989. It further shows that he was to be paid at the rate of Rs. 32/- per day all inclusive, for the actual days of work. Now, although the aforesaid order was in force till 1st December, 1989 still he was continued in service after 1st December, 1989 till he was retrenched from 1st Jan., 1991. As such, it is the say of the workman that he served continuously for a period of 15 months and 20 days. At this stage, it will have to be borne in mind that no fresh orders of appointment or continuance of service were issued by Party II to the present workman. Now, it is the say of the workman that during the tenure of his employment, he rendered very faithful service to the satisfaction of the employer and to support his allegation in this behalf he has also produced one certificate at Exb. 9 wherein in para. 2 it has been stated thus:

"During his employment with this Authority in his capacity as P. A. to Chairman, he discharged his duties with responsibility and dedication to his work to the satisfaction of his superiors."

However, at the time of termination his services, he was not issued any charge sheet for any misconduct nor was he paid his legal dues as contemplated under the provisions of the I. D. Act. He was paid his salary only up to 31st December, 1990. However, the main grievance of the present workman is that although he was initially appointed temporarily, still his services were continued till 1-1-1991 and as such it was incumbent upon the employer to comply with the provisions laid down in Section 25-F of the I. D. Act. Now, to support his submission in this behalf, Shri Fernandes the learned Advocate for the workman has also relied on some of the rulings to which a reference will have to be made in brief.

5. He has relied upon a ruling of the Supreme Court in the case of Mohan Lal v/s Management of M/s Bharat Electronics Ltd., reported in 1981 LAB I. C. 806 = AIR 1981 S. C. 1253. It was also a case where an employee who was

appointed on temporary basis was discharged and hence the first question that arose for determination was whether his discharge or dismissal amounted to retrenchment as contemplated in I. D. Act. In head note 'B' it has been observed thus:

"Niceties and semantics apart, termination by the employer of the service of workman for any reason whatsoever would constitute retrenchment except in cases excepted in the section itself. The excepted or excluded cases are where termination is by way of punishment inflicted by way of punishment inflicted by way of disciplinary action, voluntary retirement of the workman, retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf, and termination of the service of a workman on the ground of continued ill-health."

6. After observing as above, it has been ruled that, undoubtedly therefore, the termination would constitute retrenchment and it is well settled that where pre-requisite for valid retrenchment as laid down in Section 25-F has not been complied with, the retrenchment bringing about termination of service is abinitio void. Now, in the instant case, it is a common ground that the workman served with the Employer for more than 15 months continuously and his case did not fall under any of the exceptions to Sec. 2(oo) of the Industrial Disputes Act. Now, the workman has stated that when his services were terminated he was not given the monetary benefits laid down in Section 25F of the I. D. Act and hence Shri Fernandes has relied upon head note 'C' in the above referred ruling. It lays down thus:

"Before a workman can complain of retrenchment being not in consonance with Section 25-F, he has to show that he has been in continuous service for not less than one year under that employer who has retrenched him from service. Section 25-B is the dictionary clause for the expression continuous service."

7. Shri Fernandes has also placed reliance on some of the observations of His Lordships of the Calcutta High Court, in the case of Ramani Mohan Industries Private Limited and Second Industrial Tribunal and others reported in 1981. I LLJ 363 wherein it has been held thus:

"The provision of S. 25-F is mandatory. If there is any non-compliance with the said provision, the order becomes illegal. If the order becomes illegal, then the position is as if there is no such order at all and in such a case such retrenchment cannot be given effect to 'all in any manner whatsoever. If the retrenchment is in violation of S. 25-F, the employees concerned remain an employee and the question of awarding some compensation regarding his wages without granting reinstatement cannot and does not arise."

8. Thus, relying on the ratio laid down in the above referred rulings (which is now a settled law) it follows that the workman's termination really amounts to retrenchment as laid down in Sec. 2(oo) of the I. D. Act and in so far as the provisions of S. 25-F were not at all complied with, it follows that the order of retrenchment will have to be struck down.

9. Shri Fernandes has also complained of "Discrimination" in respect of his client. The workman in his evidence at Exb. 6 has stated that other two persons who were also employed on temporary basis were also given postings and to substantiate his claim in this behalf he has produced the orders of appointment of these two workers (Exb. 10 and Exb. 11) namely Shri Sadanand B. Sawant and Andrew Carvalho. In view of the state of affairs, there appears to be substantial force in the workman's grievance that he was discriminated in not continuing in serving after he had rendered more than 15 months of faithful service, to the satisfaction of the chairman. Shri Fernandes has also produced a copy of minutes of the Sixth Meeting (Exb. 13) of Mormugao Planning & Development Authority held on 6th July, 1992, wherein on page '3' the chairman had brought to the notice of the Authority that one of the ex-employee on daily wages of the Authority has gone to the Court and it is very likely that the Court's decision may go in favour of the applicant, as such that also needs to be taken in account while filling up the vacant posts. Relying on the aforesaid minutes, it has been urged by Shri Fernandes that Party II cannot be heard saying that there is no sanction for the post of P. A. to the Chairman which appears to be still lying vacant.

10. Thus, for all these reasons, I hold that in so far as the retrenchment was made without following the mandatory provisions of Section 25-F of the I.D. Act, it follows that the workman shall be deemed to be in service and hence he shall have to be reinstated with full back wages and continuity of service. I, therefore, hold that the action of the Central Planning and Development Authority, Vasco, in terminating the services of Shri A. Rodrigues, Private Secretary, with effect from 1-1-1991 is not legal and justified and hence he is entitled to the aforesaid reliefs. I, therefore pass the following order.

ORDER

It is hereby declared that the action of the Central Planning and Development Authority, Vasco, in terminating the services of Shri Albert Rodrigues, Private Secretary, with effect from 1-1-1991 is not legal and justified and hence it is hereby ordered that within a period of two months from the date of this order, Party II-M/s Central Planning and Development Authority, Vasco, Goa, shall reinstate Party I-Shri Albert Rodrigues, with full back wages and continuity of service.

No order as to costs.

Inform the Government accordingly about the passing of the award.

Sd/-
(M. A. DHAVALA)
Presiding Officer
Industrial Tribunal

Notification

No. 28/20/80-LAB

Whereas the Government of Goa is satisfied that public interest so requires that the services in respect of the Milk Supply Scheme of the Goa District Milk Producer's Union, Curti, Ponda, Goa (hereinafter called as the 'said service'), should be declared as public utility service for the purposes of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter called the 'said Act').

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the said Act, the Government of Goa hereby declares the said service to be a public utility service for the purposes of the said Act, for a period of six months with effect from the date of publication of this Notification in the Official Gazette.

By order and in the name of the Governor of Goa.

V. G. Manerkar, Under Secretary (Labour).

Panaji, 28th October, 1992.

Finance (Revenue & Control) Department

Order

No. 6-4-89-Fin (R&C)

Read:- Memorandum No. 6-4-92-Fin (R&C) dated 24-8-1992.

On the recommendation of the Goa Public Service Commission vide its letter No. Com/I/5/43(1)/89 dated 31-7-1992 Shri Shamsundar Govind Korgaonkar is hereby appointed to the post of Sales Tax Officer (Group 'B' Gazetted) in the pay scale of Rs. 2000-60-2300-EB-75-3200-100-3500 in the Office of the Commissioner of Sales Tax Panaji with effect from the date of his joining the post. He will be also entitled for all other allowances admissible to the employees of this State from time to time.

2. The appointment is made against the post created vide Order No. 6/2/87-Fin (R&C) dated 4-10-90 and revived vide Government Order No. 6/4/89-Fin (R&C) dated 17-6-1992.

3. He shall be on a probation for a period of two years.

4. Shri Shamsundar Govind Korgaonkar is posted at office of Commissioner of Sales Tax, Panaji.

5. The expenditure is to be debited to the Budget Head of Accounts "2040-Sales Tax, 001-Direction and Administration, 01-Office of the Commissioner of Sales Tax, 01-Salaries (Non-Plan).

By order and in the name of the Governor of Goa.

Prabha Chandran, Under Secretary (Fin. Exp.).

Panaji, 21st September, 1992.

Corrigendum

No. 6/17/83-Fin (R & C)

Read: Notification No. 6/17/83-Fin (R & C) dated 14-10-1992 regarding Departmental Examination for Sales Tax Officers.

The period of the Departmental Examination mentioned in the Notification cited above shall be read as "23rd to 27th November, 1992" instead of "23rd to 25th November".

By order and in the name of the Governor of Goa.

Prabha Chandran, Under Secretary (Fin. Exp.).

Panaji, 26th October, 1992.

Law (Establishment) Department

Notification by the High Court of Judicature
Appellate Side, Bombay

No. A 1202/G/92

The Honourable the Chief Justice and Judges grant Shri G. V. Ratnam, Special Judge, N. D. P. S. Court, Mapusa, earned leave for 4 days from 6-10-1992 to 9-10-1992 with permission to prefix holidays on 4th and 5th October, 1992 and suffix 10th and 11th October, 1992 being Holiday, 2nd Saturday & Sunday thereto.

On return from leave Shri Ratnam is reposted as Special Judge, N.D.P.S. Court, Mapusa.

The District & Sessions Judge, Panaji, is kept in charge of the post of the Special Judge, N. D. P. S. Court, Mapusa in addition to his own duties, during the leave period of Shri Ratnam from 6-10-1992 to 9-10-1992.

High Court, Appellate Side,
Bombay, 6 October, 1992.

P. S. Mane
Additional Registrar